

## Message Text

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ORIGIN OES-07

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FM SECSTATE WASHDC  
TO AMEMBASSY OTTAWA IMMEDIATE

C O N F I D E N T I A L STATE 110868

FOR AMBASSADOR ENDERS FROM NEGROPONTE

E.O. 11652: GDS

TAGS: EFIS, CA

SUBJECT:U.S./CANADA 1978 RECIPROCAL FISHERIES AGREEMENT

REF: STATE 109572

1. FRIDAY MEETING WITH CANADIANS SUGGESTS THEY MAY BE  
TOYING WITH IDEA OF BRINGING SHORT-TERM FISHERIES RE-  
LATIONSHIP TO SOME SORT OF CRUNCH. THEY IN EFFECT TOLD  
US THAT IF WE DIDN'T LET THEM FISH FOR SALMON OFF WASH-  
INGTON STATE ON EXPANDED 1978 TERMS, THEN THEY WOULD  
HAVE TO CONSIDER RECOMMENDING THAT, PENDING FORMAL ENTRY  
INTO FORCE OF 1978 AGREEMENT, THEY WOULD NO LONGER AGREE  
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TO RECIPROCAL FISHING BEING CONDUCTED IN ACCORDANCE WITH  
TERMS OF THE AGREEMENT. TO USE THEIR OWN WORDS, THIS  
STEP WOULD BE TANTAMOUNT TO EACH SIDE QUOTE GETTING  
BEHIND ITS OWN FENCE. UNQUOTE

2. PROBLEM WE SEE WITH DIRECTION IN WHICH CANADIANS  
SEEM TO BE HEADING IN IS TWO-FOLD. FIRST OF ALL, WHY

SHOULD FISHING IN ACCORDANCE WITH 1978 RECIPROCAL BE DISCONTINUED SIMPLY BECAUSE ONE SIDE INVOKED ONE PROVISION OF THE AGREEMENT? ARTICLE I (C) OF ANNEX OF 1978 RECIPROCAL IS UNAMBIGUOUS. WE MADE TWO WRITTEN REQUESTS

(APRIL 14 AND 21) THAT SWIFTSURE BANK BE CLOSED IMMEDIATELY. CANADIANS DRAGGED THEIR FEET AND THIS MERELY COMPOUNDED POLITICAL (NOT TO MENTION LEGAL) DIFFICULTIES GENERATED BY U.S. SALMON TROLLERS OPPOSITION TO 1978 TERMS. IN THAT CONTEXT, WE FELT WE HAD NO CHOICE BUT TO EXERCISE OUR CLEARLY DEFINED PREROGATIVE UNDER SECOND SENTENCE OF ARTICLE I (C) TO REVERT TO 1977 SALMON REGULATIONS. WE WERE, HOWEVER, AS CONCILIATORY AS POSSIBLE UNDER CIRCUMSTANCES. WE SAID THAT IF CANADIANS CLOSED SWIFTSURE ON DAY OF OUR MEETING (AS WE KNEW THEY WERE PREPARED TO IF TERMS WERE RIGHT IN THEIR EYES), THEN WE WERE PREPARED TO ALLOW THEM HAVE 26 INCH FISH ON BOARD AND, ONCE DUST HAD SETTLED ON OUR SIDE, WE WOULD BE PREPARED TO CONSIDER EXPANDING AREA OF SALMON FISHING ON OUR ZONE; BUT WE COULD GIVE NO ASSURANCES AND FOR TIME BEING HAD TO INSIST ON CONFINING THEIR SALMON FISHING AREA TO 1977 TERMS.

3. SECOND PROBLEM WE HAVE WITH CANADIAN APPROACH IS THE DEGREE TO WHICH THEY STILL SEEM TO BE WILLING TO HOLD ENTIRE FISHERIES RELATIONSHIP HOSTAGE TO SALMON REGULATION. CONFIDENTIAL

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TIONS. GOC IS OBVIOUSLY TROUBLED BY SITUATION ON EAST COAST AS WELL AS WEST AND ARGUED THAT JOINT SUSPENSION WOULD AVOID POTENTIAL ISSUE-BY-ISSUE DOWNWARD SPIRAL UNDER INTERIM AGREEMENT WHICH THEY FORESEE AS QUITE POSSIBLE AND POLITICALLY MORE DISRUPTIVE THAN COORDINATED SUSPENSION. CLEARLY, HOWEVER, SUGGESTION WAS SPARKED BY, AND DIRECT PRODUCT OF SALMON TROLLING IMPASSE. THEIR SUGGESTION THAT BOTH SIDES CONSIDER SUSPENSION OF RECIPROCAL FISHING ON BASIS OF 1978 AGREEMENT PENDING ITS ENTRY INTO FORCE AS RESPONSE TO A LEGITIMATE STEP ON OUR PART, SEEMS COMPLETELY OUT OF PROPORTION AND IF MATTER WAS SO IMPORTANT TO THEM, WHY DID THEY AGREE TO LANGUAGE OF ARTICLE I (C) IN FIRST PLACE? MOREOVER, SUSPENSION NOW OF ONGOING RECIPROCAL FISHERIES COULD LEAD TO UNRAVELING OF LONGSTANDING RECIPROCAL ARRANGEMENTS WHICH, ONCE SUSPENDED, WOULD BE TERRIBLY DIFFICULT TO PUT TOGETHER AGAIN.

4. IT IS HARD TO JUDGE TO WHAT EXTENT CANADIANS ARE SERIOUS RE SUSPENSION VS. DEGREE TO WHICH THEY WERE POSTURING IN EXPECTATION THAT PROSPECT OF DISRUPTION IN U.S. FISHERIES IN CANADIAN WATERS MIGHT FORCE OUR

HAND. IF THEY ARE SERIOUS, IT SEEMS TO US THAT PRESENT SITUATION ARGUES FOR RESTRAINT ON PART OF CANADIANS AND RECOGNITION THAT MOST OF THE PROBLEMS WE FACE AT THE MOMENT ARISE FROM ABSENCE OF COMPREHENSIVE LONG-TERM AGREEMENT. FISHERIES EXPERIENCE OF LAST SEVERAL YEARS

CONFIRMS THAT QUOTE QUICK FIX UNQUOTE APPROACH OF INTERIM RECIPROCALLS HAS CERTAINLY BEEN LESS THAN SATISFACTORY AND HAS BEEN REASON FOR SUCH INTENSE EFFORT TO REACH COMPREHENSIVE AND PERMANENT MARITIME BOUNDARY AND RESOURCE ARRANGMENTS. PRESENT SITUATION SIMPLY HIGHLIGHTS NEED TO REDOUBLE EFFORTS TOWARDS PROMPT CONCLUSION OF SUCH LONG-TERM SOLUTION, RATHER THAN CONTEMPLATING STEPS, AS CANADIANS MAY BE DOING, WHICH COULD

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THROW US RIGHT BACK TO SQUARE ONE.

5. IT WOULD BE USEFUL IF YOU COULD TEST CANADIAN INTENTIONS AND GIVE US YOUR ASSESSMENT. INTERIM ARRANGEMENTS ARE RECOGNIZED BY BOTH SIDES TO BE BAND-AID MEASURE TO LIMIT BLEEDING AS FAR AS POSSIBLE UNTIL LONG-TERM OPERATION CAN RESUME IN EARNEST. IF CANADIAN VIEW SINCERELY IS THAT DIFFERENCES CANNOT BE CONTAINED OVER THE MONTHS AHEAD UNTIL CUTLER AND CADEUX HAVE ADEQUATE OPPORTUNITY TO SUCCEED, CUTLER WOULD BE PREPARED TO ADVANCE THEIR RENEWED EFFORT, IF THIS WOULD HELP AVOID INTERIM CONFRONTATIONS. IN YOUR SOUNDINGS YOU MIGHT SUGGEST THIS POSSIBILITY IF APPROPRIATE. CHRISTOPHER

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